

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)	
)	
KEVIN & LISA ROLF,)	
)	CASE NO. BK11-61969 (W.D. Mo.)
Debtor(s).)	
<u>U.S. FOODSERVICE, INC.,</u>)	A11-8086-TJM
)	
Plaintiff,)	8:09CV254
)	
vs.)	CH. 7
)	
KEVIN ROLF and OZARK RESTAURANT)	
GROUP, INC.,)	
)	
Defendants.)	

REPORT and RECOMMENDATION

This matter is before the court on the plaintiff's status report (Fil. No. 9).

The plaintiff obtained a judgment from the United States District Court for the District of Nebraska of \$130,646.80, plus interest, against the defendant Kevin Rolf. Mr. Rolf subsequently filed a Chapter 7 bankruptcy petition in the Western District of Missouri, which stayed all proceedings – including post-judgment collection efforts – against him and, pursuant to local rules of procedure, resulted in the referral of the lawsuit to this court.

The plaintiff informs the court that it has filed an adversary proceeding in the United States Bankruptcy Court for the Western District of Missouri to except this debt from discharge in bankruptcy. If the plaintiff prevails in that adversary proceeding, it would be entitled to move forward with efforts to collect on the judgment.

In light of this, I respectfully recommend to the district court that it withdraw the reference of this case and stay further proceedings pending the completion of the adversary proceeding in the Missouri bankruptcy court.

The Clerk of the Bankruptcy Court shall process this recommendation pursuant to the local court rules.

DATED: October 12, 2011

RESPECTFULLY SUBMITTED,

/s/ Timothy J. Mahoney
United States Bankruptcy Judge

Notice given by the Court to:

April Hook	Gary H. Leibowitz
Patrick D. Pepper	Robert P. Diederich
John C. Hahn	Dana M. London
David Schroeder	U.S. Trustee